

REMARKS

The Office Action dated October 13, 2010 has been received and carefully considered. Claims 1, 10, and 17 have been amended. Claims 9, 16, and 22 have been cancelled. Claims 1-8, 10-15, 17-21, and 23-58 are pending in the application. No new matter is added by this Amendment. Applicant believes that the application is now in condition for allowance and notice thereof is respectfully requested.¹

Pending Rejections

Claims 1-58 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 1-58 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Claims 1-58 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent No. 6,609,050 to Li *et al.* ("Li") in view of US Application Publication No. 2002/0091706 to Anderson *et al.* ("Anderson").

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions in the Office Action or certain requirements that may be applicable to such rejections (*e.g.*, assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

Response to Rejections Based on 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 1-58 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. *See* Office Action, pages 4-5. More specifically, the Office Action asserts that claims 1-58 “each recite conditional language and/or statements of intended use.” *Id.* Furthermore, the Office Action asserts that “Applicant should positively recite intended method steps and remove instances of intended use when Applicant is trying to provide claim scope.” *Id.* Applicant respectfully disagrees for at least the following reasons.

As a courtesy, the Office Action “highlighted the problematic language in underlined boldface.” *Id.* The highlighted language only includes the following terms: (1) provides; (2) enabled; and (3) allowing. These terms as recited in the present claims, however, are not conditional or statements of intended use. For example, claim 1 recites in pertinent part “providing, using a computing apparatus, a computer program for accessing and processing information from the aforesaid database.” The term providing is not conditional or a statement of intended use. Indeed, none of the terms highlighted as “problematic” are conditional or statements of intended use. Accordingly, Applicant respectfully requests that the rejection to claims 1-58 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Response to Rejections Based on 35 U.S.C. § 101

The Office Action rejects claims 1-58 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. *See* Office Action, pages 5-6. However, the Office Action also asserts that “Applicant’s amendments to the independent claims are sufficient to overcome the

35 U.S.C. 101 rejections set forth in the prior Office Action.” See Office Action, page 2.

Accordingly, Applicant respectfully requests that the rejection to claims 1-58 under 35 U.S.C.

§ 101 be withdrawn.

Response to Rejections Based on 35 U.S.C. § 103(a)

The Office Action rejects claims 1-58 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Li in view of Anderson. To the extent these rejections might apply to the pending claims, Applicant respectfully traverses these rejections and requests reconsideration thereof for reasons set forth below.

Under 35 U.S.C. § 103, all claim limitations must be taught or suggested in the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP § 2143 reinforces this principle: “[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations.”

Claim 1, as amended, recites in pertinent part “compiling ... a computer accessible database, said database ... *containing the original equipment manufacturer's standard form for a warranty claim ... wherein a single code number is used in the database to associate each vehicle part to the original equipment manufacturers standard repair time for the corresponding vehicle part, the proper failure and cause codes required by the original equipment manufacturer for the corresponding vehicle part, and the original equipment manufacturer's standard form for a warranty claim for the corresponding vehicle part*”

Applicant respectfully submits that neither Li nor Anderson, taken alone or in combination, teaches or suggests these limitations.

The Office Action admits that “Li does not expressly disclose the database containing the original equipment manufacturer’s standard form for a warranty claim.” *See* Office Action, page 7. In an attempt to cure this admitted deficiency, the Office Action asserts that “Anderson teaches a program that can prepare a warranty claim on the original equipment manufacturer’s standard form for a warranty claim.” *Id.* In support of this assertion, the Office Action cites to paragraph 32 of Anderson. Paragraph 32 of Anderson, however, only discloses a user accessing Li’s system to retrieve warranty information (*e.g.*, the type of warranty, the date the warranty expires) associated with a vehicle:

A user may access service and warranty information by using link 320 which leads to a services and warranty screen depicted in Fig. 4. Services and warranty screen 400 may include a plurality of links including but not limited to a service link 410 which provides service details, maintenance logs, and any recall information relating to the user’s vehicle. Accordingly, a user who is not aware of a product recall on a part of the vehicle may proceed to service link 410 and be apprised of such information. Services and warranty application 400 also includes a warranty link 420. Proceeding through link 420 will provide a user with specific warranty information regarding the user’s vehicle. Accordingly, a user need not keep paper records of warranty information, the warranty information being retrievable and accessible on-line.

Anderson, paragraph 32. Indeed, paragraph 32 completely fails to even mention an original equipment manufacturer’s standard form, let alone, “a computer accessible database ... containing the original equipment manufacturer’s standard form for a warranty claim,” as presently claimed. Accordingly, Applicant respectfully submits that the applied references fail to teach or suggest “a computer accessible database ... containing the original equipment manufacturer’s standard form for a warranty claim,” as presently claimed.

Furthermore, the applied references fail to teach or suggest “wherein a single code number is used in the database to associate each vehicle part to the original equipment manufacturers standard repair time for the corresponding vehicle part, the proper failure and cause codes required by the original equipment manufacturer for the corresponding vehicle part,

and the original equipment manufacturer's standard form for a warranty claim for the corresponding vehicle part,” as presently recited in claim 1. Indeed, Li and Anderson fail to teach or suggest associating items with a single code, let alone “wherein a single code number is used in the database to associate each vehicle part to the original equipment manufacturers standard repair time for the corresponding vehicle part, the proper failure and cause codes required by the original equipment manufacturer for the corresponding vehicle part, and the original equipment manufacturer's standard form for a warranty claim for the corresponding vehicle part.”

Claims 10, 17, and 23 contain similar recitations as claim 1 and are allowable for at least similar reasons as discussed above regarding claim 1. Claim 10, as amended, recites in pertinent part “compiling ... a computer accessible database ... containing the original equipment manufacturer's standard form for a warranty claim ... wherein a single code number is used in the database to associate each vehicle part to the original equipment manufacturers standard repair time for the corresponding vehicle part, the proper failure and cause codes required by the original equipment manufacturer for the corresponding vehicle part, and the original equipment manufacturer's standard form for a warranty claim for the corresponding vehicle part.” Claim 17, as amended, recites in pertinent part “compiling ... a computer accessible database ... containing the original equipment manufacturer's standard form for a warranty claim ... wherein a single code number is used in the database to associate each vehicle part to the original equipment manufacturers standard repair time for the corresponding vehicle part, the vehicle system containing the corresponding vehicle part, the proper failure and cause codes required by the original equipment manufacturer for the corresponding vehicle part, and the original equipment manufacturer's standard form for a warranty claim for the corresponding vehicle part,

and the bills of material for the vehicle containing the corresponding vehicle part.” Claim 23 recites, in pertinent part “where each part is linked to items of information related to that part via a single code linked to that part and to the items of information related to that part.” As discussed above with respect to claim 1, the applied references fail to teach or suggest these limitations.

Applicant respectfully submits that the applied references fail to teach or suggest these limitations. Therefore, Applicant respectfully submits that the rejection of independent claims 1, 10, 17, and 23 and all claims dependent thereon under 35 U.S.C. § 103(a) should be withdrawn for at least these reasons. Accordingly, Applicant respectfully requests that the rejection of independent claims 1, 10, 17, and 23 and all claims dependent thereon under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

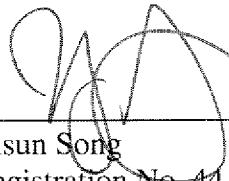
In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Respectfully submitted,

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Dated: January 13, 2011

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